

# SOCIAL SERVICES STUDY COMMISSION

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## INTERIM REPORT

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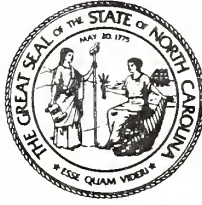
SOCIAL SERVICES  
STUDY COMMISSION

INTERIM REPORT

May 1980



NORTH CAROLINA GENERAL ASSEMBLY  
LEGISLATIVE SERVICES OFFICE  
2129 STATE LEGISLATIVE BUILDING  
RALEIGH 27611



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May 1, 1980

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The Governor

The President of the Senate

The Speaker of the House of Representatives

Gentlemen:

The Social Services Study Commission is pleased to submit its Interim Report to you and the General Assembly membership.

The Commission was established by Chapter 992 of the 1979 Session Laws as a legislative commission consisting of four members appointed by the Governor, four members appointed by the Speaker of the House of Representatives, and four members appointed by the President of the Senate. The purpose is to investigate the social services system and its interrelationships so that the State can render appropriate and efficient programs.

The Commission also is required to report no later than January 1, 1981. We are happy to submit this report to you and our distinguished colleagues.

  
\_\_\_\_\_  
Senator Russell G. Walker  
Co-Chairperson

  
\_\_\_\_\_  
Representative Patricia S. Hunt  
Co-Chairperson



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## INTRODUCTION

Whereas, the General Assembly does not have available an up-to-date, in-depth study of the Social Services programs, and the needs of the State; and

Whereas, the Division of Social Services of the Department of Human Resources has made considerable progress in the development of the Social Services program in North Carolina, and now administers a wide range of financial assistance and service programs in the State; and

Whereas, the State cannot render to its citizens the kind of Social Services program needed or provide for citizens' needs without an in-depth study of the present services provided, the impact of the Welfare Reform proposal, and the current unmet needs of the citizens of the State.

With these words, through House Bill 907, the 1979 General Assembly established the Social Services Study Commission. (See Appendix A). Among the purposes of this Study Commission which are enumerated in the legislation are:

- (1) To define State and county responsibility in Social Services and Public Assistance Programs as they relate to:
  - a) administration
  - b) financing
  - c) relationships between State and counties
- (2) To review trends of change that have taken place in the administration and funding of Social Service and Public Assistance Programs in North Carolina as to:
  - a) impact on county departments
  - b) impact on State agency
  - c) impact on recipients
  - d) relationship changes that have taken place between State and counties.

- (3) To review the structure of human service delivery and make recommendations which would lead to a coordinated human service delivery system with its focus primarily on the family as a unit.

The Governor, Lieutenant Governor, and Speaker of the House of Representatives appointed the following persons on the Commission to make the study and report back to the General Assembly:

Senator Russell G. Walker, Co-Chairperson

Representative Patricia S. Hunt, Co-Chairperson

Senator Fred D. Alexander

Representative Leroy P. Spoon

Senator Ollie Harris

Mr. Fred D. Hauser

Senator Joe B. Raynor

Mr. Daniel C. Hudgins

Representative Bertha M. Holt

Ms. Barbara Saddler

Representative Henry E. Frye

Mrs. Linda G. White

This document is the interim report of the Commission.

The Social Services Study Commission lost the wise counsel of Senator Fred D. Alexander through death on April 13, 1979. His presence and help will be greatly missed.

#### BACKGROUND

The North Carolina Constitution of 1868 provided in part that "Beneficent provision for the poor, the unfortunate, and orphan, being one of the first duties of a civilized and Christian State ...". The social services program of North Carolina is based

upon this mandate. Our Constitution also provides that "A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty." The Commission has attempted to keep both of these mandates foremost in our mind as we have pursued this study.

In 1917 the General Assembly provided for the basic organization of the present State Board of Public Welfare and the county departments of public welfare and for public welfare services to people throughout the State. In 1937 the General Assembly made possible this State's participation in public assistance programs under the Social Security Act. The State entered into official relationships with the federal government, along with strengthened relationships with county government. A review of legislative action indicates that since 1917 every biennial session of the General Assembly has provided new services or extended existing services or both, supporting the oft quoted statement that "public welfare reflects the conscience of the State."

Social Services in North Carolina now includes a complex array of programs designed to provide a variety of different services to people. These services include financial aid to certain categories

of needy persons (like aid to families with dependent children), family and children's services (like adoption), licensing of certain institutions and organizations (like homes for the aged or child-caring institutions), protective services to children and adults under state legislation requiring reports of neglect or abuse, and medical care or services or drugs for eligible needy people. The supporting public usually associates social services with public assistance or financial aid to the needy, and the average citizen may be unaware of the many other services not related to financial aid that are provided through social services. This lack of public understanding is compounded by other factors. Categorical public assistance programs--for example, aid to families with dependent children--may be philosophically controversial, and their large cost inevitably makes them financially controversial.

It must be recognized that social services are deeply rooted in both governmental and non-governmental structures. There have been many gains over the years in legislation, in funding, in the expansion of service delivery. At the same time programs have become far more complex. There are more laws, more regulations, more potential and actual sources of funding, more complicated administrative structures.

The social services system in North Carolina is a conglomerate of private and public services, agencies and laws. To understand how the system works one must understand the intergovernmental nature of social services in this State and the nation. While providing for the public welfare is a function constitutionally granted to the states, the federal government has absorbed a large share of the financial and decision making burden for public welfare and social services program. In addition, county governments in North Carolina are the primary providers of many of the State's social services programs. The sharing of functions, financing and authorities among the three levels of governments creates much of the confusion and controversy about the social services system.

#### PROCEEDINGS

The Social Services Study Commission held six meetings during the course of its deliberations. Due to the complex area and tight budget with which the Commission was dealing, in its initial meetings the Commission began with an overview of what the social services structure is in North Carolina including both the Division of Social Services and the Division of Medical Assistance of the North Carolina Department of Human Resources. There is no question

that the various social services programs are confusing in their details and the structures for administering these programs are equally complicated.

To focus on specific areas of concern the Commission devoted two meeting days to a public hearing. The purpose of this hearing was to listen to the needs of advocacy groups, county commissioners, day care operators and private citizens as they relate to the delivery of social services in North Carolina. (For a listing of these persons and groups see Appendix B).

The Commission had many crucial questions and concerns presented to them such as where and how policy is made in social services programs, who chooses priorities, what is the state of professional morale, and what are the present federal, state and county relationships and what should they be. In sum most of the issues presented to the Commission can be distilled to include the four following areas:

- Administration

- Financing

- Personnel

- Relationships between federal, state and local governments.

It is obvious that the Commission could address only a small

number of concerns and problems relating to its charge in the short amount of time it has been in operation. Therefore, the following section will focus on those items that the Commission feels are necessary to present to the Second Session of the 1979 General Assembly.

### RECOMMENDATIONS

The following is a compilation of those issues which need immediate attention by the 1979 General Assembly - (Second Session):

The Commission recommended the following:

- I. BY AN ACT OF THE GENERAL ASSEMBLY APPROPRIATE FUNDS FOR AFDC AND MEDICAID FOR PRENATAL CARE.

The provision of Aid to Families with Dependent Children (AFDC) and medicaid benefits to pregnant women who would otherwise be eligible after the child's birth is the Commission's top legislative priority. The Commission wants to reduce the incidence of infant mortality through providing more prenatal care. Since the federal government will pay 67.6% of the cost of these programs, the Commission feels that this is a sound investment of public funds, as well as good public policy..

The Commission also recommended that the State pay the

entire non-federal portion of the costs for this program.

The legislation is included as Appendix C.

II. BY AN ACT OF THE GENERAL ASSEMBLY APPROPRIATE FUNDS FOR  
EMERGENCY ASSISTANCE.

The provision of emergency assistance under the Aid to Families with Dependent Children (AFDC) program was also recommended by the Commission. Under this program, families with children in crisis situation who are deprived of resources would be eligible for emergency assistance. This assistance could be in the form of cash or "in-kind" services such as temporary shelter, food or clothing. The federal government will pay fifty percent of these costs. The Commission recommended that the State pay the entire non-federal share of program costs. The legislation to implement this recommendation is included as Appendix D.

III. PERMANENCY PLANNING

The Secretary of the Department of Human Resources has indicated that \$750,000 of federal money will be available to fund a permanency planning program for foster children. \$650,000 of this money will be distributed as aid to counties for the purpose of setting up foster care permanency placement programs in each county. The other \$100,000

will be used to fund five State positions to provide technical assistance to counties in setting up their foster care programs.

A \$100,000 recommendation of the Governor and the Advisory Budget Commission is for a statewide foster care tracking system to keep up with all children placed in foster care and to assure that each step of their permanency placement plan is being properly implemented.

The Commission recommended the funding of an additional \$171,612 needed to provide three permanency planning specialists, adoption subsidies for hard to place children, transportation for out-of-state placement and the statewide adoption clearinghouse.

The bill included as Appendix E would appropriate the additional permanency planning money.

IV. THE COMMISSION RECOMMENDS THAT BY AN ACT OF THE GENERAL ASSEMBLY THE SOCIAL SERVICES APPEALS PROCESS BE AMENDED TO RELIEVE AN UNDUE BURDEN ON THE COUNTIES.

Section 1 allows the Social Services Commission to promul-

gate rules that will allow shorter notice as long as it is consistent with federal regulations.

Section 2 eliminates the requirement for a local appeals hearing when the issue involved is medical disability determination. The bill would require the State Division of Social Services to conduct such appeals and then further review would be through the court system.

Sections 3 and 4 specify the conditions when an applicant or his representative can have access to the client's files during an appeal. The statute attempts to balance the client's right to access to his or her files with the right of privacy of the client's family. This is necessary because the information for services files is maintained on a family basis. For example, it would allow the client to review all information involved in her appeal for Aid to Families with Dependent Children (AFDC), but would not allow her to see reports of child abuse.

Section 5 allows the court to reconsider evidence that may have been excluded at the hearing, when the appellant petitions for judicial review of the public assistance

hearing. It also makes the appeal from the agency decision more consistent with the Administrative Procedure Act.

Sections 6 and 7 ensure that the Division of Social Services will continue its current practice of informing each client of his or her right to an attorney if public assistance is denied, reduced or terminated. It is expected that the Department will ensure that, upon request, each county department of social services will furnish the address and telephone number of the nearest legal services office or the number for the lawyer referral service operated by the State Bar.

Legislation implementing these provisions is included as Appendix F.

V. REDUCE THE PROBLEMS ASSOCIATED WITH COUNTY DEPARTMENTS OF SOCIAL SERVICES BUDGETS. (See Appendices G, H and I).

The Commission found that county commissioners were encountering great difficulty in making final decisions on local social services budgets before July 1 of each year because of a lack of information on the State budget and

late decisions by the General Assembly on matters affecting county budgets. The Commission explored a number of options including delaying the effective date of new legislation, State assumption of all costs for new programs passed after April 15 of each year, and early notification of counties on items in the State budgets affecting social services.

After much discussion the Commission decided to recommend the amendment of G.S. 108-54 to require notification of the counties by the Department of Human Resources before February 15 of each year of the amount of State and federal monies available to that county for programs of public assistance, as well as the percentage of county participation required for the succeeding fiscal year. In odd-numbered years the Department of Human Resources will also notify the counties of any changes in public assistance programs recommended by the Governor and the Advisory Budget Commission. The Commission is also recommending that the House of Representatives and the Senate adopt a permanent rule requiring that all bills affecting State and county social services be introduced before March 15 of each session year. This

is similar to the cut-off on local bills that both houses of the General Assembly have adopted.

VI. APPROPRIATE ADDITIONAL FUNDS TO THE SOCIAL SERVICES STUDY COMMISSION. (See Appendix J).

The legislation establishing the Social Services Study Commission authorized \$6,000 for the year 1980-81. The Commission, because of the complexity of its mission, requests an additional appropriation of \$4,000 for this time period. This would raise the 1980-81 appropriation to \$10,000.

VII. APPROPRIATE ADDITIONAL FUNDS FOR A COMPUTERIZED ELIGIBILITY SYSTEM FOR THE DIVISION OF SOCIAL SERVICES.

The Commission recommends that the General Assembly appropriate \$149,963 to fund a new, computerized eligibility system. Initially this system will be located in twenty counties. (list attached as Appendix L). These twenty counties account for about 50% of the eligibility paperwork. The total costs of the system are shown below:

Federal	\$363,987
State	\$149,963
County	<u>73,125</u>
Total	\$587,075

Included in the State and federal share are funds for nine new systems development staff and all of the data entry equipment for counties. Four positions will be deleted after the new system becomes operational. The twenty initial counties have volunteered for this system. Other counties will be included later as they request to be included and as funds are available to expand the system.

## APPENDICES



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1979  
RATIFIED BILL

CHAPTER 992

HOUSE BILL 907

AN ACT TO CREATE THE SOCIAL SERVICES STUDY COMMISSION.

Whereas, the General Assembly does not have available an up-to-date, in-depth study of the Social Services programs, and the needs of the State; and

Whereas, the Division of Social Services of the Department of Human Resources has made considerable progress in the development of the Social Services program in North Carolina, and now administers a wide range of financial assistance and service programs in the State; and

Whereas, the State cannot render to its citizens the kind of Social Services program needed or provide for citizens' needs without an in-depth study of the present services provided, the impact of the Welfare Reform proposal, and the current unmet needs of the citizens of the State; Now, therefore, The General Assembly of North Carolina enacts:

Section 1. There is hereby created the Social Services Study Commission. (Hereinafter "Study Commission")

Sec. 2. The purposes of this Study Commission are:

(1) to gather and study Federal and State Statutes and Regulations governing and relating to Social Services and Public Assistance in North Carolina;

(2) to define State and county responsibilities in Social Services and Public Assistance Programs as they relate to:

- a. administration,
- b. financing,
- c. relationships between State and counties;

(3) to review trends of changes that have taken place in the administration and funding of Social Service and Public Assistance programs in North Carolina in the past eight years as to:

- a. impact on county departments,
- b. impact on State agency,
- c. impact on recipients,
- d. relationship changes that have taken place between State and counties;

(4) to record the influences and/or effects of public policies and programs on families receiving services funded with State and federal monies; and

(5) to review the structure of human service delivery and make recommendations which would lead to a coordinated human service delivery system with its focus primarily on the family as a unit. Emphasis would be placed on strengthening and enriching the family unit, thereby, insofar as possible, preventing further breakdown.

Sec. 3. On or before May 1, 1980, the Study Commission shall file with the Governor, members of the General Assembly, and officials of agencies affected, a preliminary written report summarizing the information obtained in the course of its inquiry. The report shall set forth the commission's findings, conclusions, and recommendations concerning such administrative

action and legislation as the Study Commission deems the public interest to require. If legislation is recommended, the Study Commission shall prepare and submit with its report appropriate bills. The Study Commission shall file a final report with the Governor, General Assembly, and officials of Agencies affected no later than January 1, 1981.

Sec. 4. The Study Commission shall consist of 12 members as follows: four members appointed by the Governor to include representation from county social services, private social agency, county commissioners and consumers as recipient of Social Services; four members appointed by the Speaker of the House of Representatives, from that body, four members appointed by the President of the Senate from that body.

Sec. 5. If a vacancy occurs in the membership of the Study Commission, it shall be filled by action of the person that appointed the former member who is to be replaced, and the person then appointed shall serve for the remainder of the term of the member whom he or she succeeds.

Sec. 6. The members of the Study Commission shall be appointed by July 1, 1979, and shall serve until the termination of the Study Commission. The Study Commission at its first meeting shall elect a chairperson from its membership.

Sec. 7. The Study Commission may meet in the State Legislative Building upon the approval of the Legislative Services Commission.

Sec. 8. Upon the request of the Commission, every State or local department or agency shall provide the Commission with

any information in its possession that the Commission deems pertinent to its inquiry.

Sec. 9. Legislator members of the Commission shall be reimbursed for subsistence and travel expenses at the rates set out in G.S. 120-3.1.

Sec. 10. Members of the Commission who are not officers or employees of the State shall receive compensation and reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5.

Sec. 11. Members of the Commission who are officers or employees of the State shall receive reimbursement for travel and subsistence expenses at the rates set out in G.S. 138-6.

Sec. 12. There is appropriated from the General Fund to the Social Services Study Commission for fiscal year 1979-80 the sum of eight thousand dollars (\$8,000), and for fiscal year 1980-81 the sum of six thousand dollars (\$6,000) to carry out the purposes of this act. The Legislative Disbursing Officer shall be responsible for disbursing the funds. Any unused funds shall revert to the General Fund.

Sec. 13. This act shall become effective on July 1,  
1979.

In the General Assembly read three times and ratified,  
this the 8th day of June, 1979.

JAMES C. GREEN

-----  
James C. Green

President of the Senate

CARL J. STEWART, JR.

-----  
Carl J. Stewart, Jr.

Speaker of the House of Representatives



## APPENDIX B

### PERSONS AND GROUPS APPEARING BEFORE THE SOCIAL SERVICES STUDY COMMISSION

Lutheran World Relief/Hunger Committee

Ms. Pat Bullard, Speaker

N. C. Conference for Social Service

Mrs. Katherine Holomon, Executive Director

N. C. Council on Social Work Education

Ms. Idonna Russell, Associate Professor and Director of the Bachelor of Social Work Program at N. C. State University

N. C. Coalition for Foster Children, Inc.

Ms. Jane Richardson, Member, Executive Committee

N. C. Commission of Indian Affairs

A. Bruce Jones, Executive Director

N. C. Association of Private Day Care Operators

Mrs. Agnes Love, President

Burke County Department of Social Services

Mr. James A. Blakley, ACSW, Director

N. C. Association of Black Social Workers

Mr. John Hudgins

State Council for Social Legislation

Ms. Janet Holen

N. C. United Way

Mr. Peter Auerbach

Legal Services of N. C., Inc.

Mr. Patric Mullen

Dr. Raymond Wheeler

PERSONS AND GROUPS APPEARING BEFORE THE SOCIAL SERVICES STUDY COMMISSION

Legal Aid

Mr. Richard Klein, Moderator  
Mr. Ralph Hanby, Witness  
Mr. and Mrs. David Livingston, Witnesses  
Mr. James Canape, Witness  
Mrs. Mary Jones, Witness

Carolina Legal Assistance for Mental Health

Ms. Christine Heinberg

N. C. Social Services Association

Ms. Pat Bullard, President

N. C. Chapter of the National Association of Social Workers

Ms. Marjorie A. Baney, Member  
Ms. Sylvia Rorer, Member

Title XX State Planning Advisory Committee

Ms. Hope Davis, Chairperson

Governor's Council on Aging

Dr. Ellen Winston, Chairman

N. C. Association of County Commissioners

Mr. Albert M. McMillan

N. C. Association of County Directors of Social Services

Ms. Jean Biggs, President

Stanly County Department of Social Services

Mr. John Link, Director

The National Eligibility Workers Association

Mr. Michael T. Simpson  
Ms. Lucy Mancino  
Ms. Nancy Mathias  
Ms. Linda Miller

PERSONS AND GROUPS APPEARING BEFORE THE SOCIAL SERVICES STUDY COMMISSION

Women's Aid of Wake County

Ms. Marcy White, Executive Director

N. C. Day Care Association

Mr. Bob Eagles, President

N. C. Hunger Coalition

Ms. Jennifer Henderson

Governor's Advocacy Council on Children and Youth

Mrs. Thelma Zeytoun

N. C. Congress of Parents and Teachers

Dr. Melvin Good, President



MAY 1 1980

DRAFTING

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES FOR FISCAL YEAR 1980-81 TO BE USED TO PROVIDE AID TO FAMILIES WITH DEPENDENT CHILDREN AND MEDICAID BENEFITS FOR PRENATAL CARE.

Whereas, North Carolina has one of the highest infant mortality rates in the nation; and

Whereas, prenatal care is essential in detecting high risk mothers and reducing infant mortality; now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the General Fund to the Division of Social Services, Department of Human Resources for fiscal year 1980-81 the sum of six hundred thirty thousand three hundred ninety dollars (\$630,390) for the purpose of providing Aid to Families With Dependent Children benefits for prenatal care. The payment and the income eligibility standard shall be for a one person family. The Division of Social Services shall provide one half of this amount on a pro rata allocation based on administrative costs to counties for the purpose of offsetting their cost for this program.

Section 2. There is hereby appropriated from the General Fund to the Division of Medical Assistance, Department of Human Resources for fiscal year 1980-81 the sum of one million one hundred seventy-four thousand nine hundred thirty-six dollars (\$1,174,936) for the purpose of providing Medicaid benefits for prenatal care. The Division of Medical Assistance shall provide fifteen percent of this amount on a pro rata allocation based on administrative costs to counties for the purpose of offsetting their cost for this program.

Section 3. This act shall become effective on October 1, 1980.

**DRAFT  
FOR REVIEW ONLY**



MAY 1 1980

DRAFTING

AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES  
FOR FISCAL YEAR 1980-81 TO BE USED TO PROVIDE FAMILIES WITH  
EMERGENCY ASSISTANCE UNDER THE AID TO FAMILIES WITH DEPENDENT  
CHILDREN'S PROGRAM.

Whereas, many families with children in North Carolina  
encounter crisis situations and are in need of emergency  
assistance; and

Whereas, the federal government will share equally in the  
cost of providing such assistance through the Aid to Families  
With Dependent Children's Program; now therefore,  
The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated from the  
General Fund to the Division of Social Services, Department  
of Human Resources for fiscal year 1980-81 the sum of seven  
hundred nineteen thousand six hundred twenty-eight dollars  
(\$719,628) for the purpose of providing emergency assistance  
to families with children under the Aid to Families With  
Dependent Children program. These funds shall be used to pay  
the entire non-federal portion of this emergency assistance  
program.

Sec. 2. The emergency assistance provided under this  
program may be either cash or "in-kind" goods and services as  
defined by the Social Services Commission. Only families with  
children who meet the Aid to Families With Dependent Children  
income eligibility standards will be eligible for emergency  
assistance.

Sec. 3. This act shall become effective on January  
1, 1981.



MAY 1 1980

DRAFTING

A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST  
FOSTER CHILDREN TO FIND PERMANENT HOMES.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources for fiscal year 1980-81 the sum of one hundred seventy one thousand six hundred and twelve dollars (\$171,612) for the purpose of providing services to foster children to assist in finding them permanent homes.

Sec. 2. This act shall become effective July 1, 1980.

DRAFT  
FOR REVIEW ONLY



**DRAFT  
FOR REVIEW ONLY**

APPENDIX F

**LEGISLATIVE**

**MAY 1 1980**

**DRAFTING**

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PROVISIONS FOR PUBLIC ASSISTANCE APPEALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108-44(b) is amended to read:

"(b) In cases involving termination or modification of assistance, no action shall become effective until 10 work days after notice of this action and notice of the right to appeal is mailed or given to the recipient. However, the Social Services Commission or the Department of Human Resources may, by regulation, dispense with timely notice as permitted by federal regulations, but in any event, notice shall be sent no later than the date of action."

Sec. 2. G.S. 108-44(d) is amended by adding new sentences to the end of the subsection to read:

"In cases where the termination or denial of public assistance is based on a medical disability determination, then no local appeal hearing shall be held. In these cases, the county director or a designated representative of the county director shall forward the notice of appeal to the Department of Human Resources. The Department shall be responsible for conducting all appeals of medical disability determination in accordance with the procedures developed under subsection (h). Pending a final decision for appeals involving medical disability determination, and termination or modification of assistance in such case, the recipient

shall continue to receive assistance at the present level until the final agency decision."

Sec. 3. G.S. 108-44(e) (4) is amended to read:

"(4) Prior to and during the hearing, the appellant or his personal representative shall have adequate opportunity to examine the contents of his public assistance case file and all documents and records which the county department of social services intends to use at the hearing, including portions of the services case file or the food stamp case file which pertain to the appellant. Those portions of the services case file or food stamp case file which do not pertain to the appellant or which are required by federal or state statutes or by federal regulation to be held confidential shall not be released to the appellant or his personal representative. In cases where the appellant has been denied access to the services case file or food stamp case file, the hearing officer shall certify as part of the official record that the case files have been examined and that no portion of those files pertain to the appellant. Such certification may be subject to judicial review as provided in subsection (j) of this section."

Sec. 4. G.S. 108-44(h) (1) is amended to read:

"(1) Prior to and during the hearing, the appellant or his personal representative shall have adequate opportunity to examine the contents of his public assistance case file and all documents and records which the county department of social services intends to use at the hearing, including portions of the services case file or the food stamp case file which pertain

to the appellant. Those portions of the services case file or food stamp case file which do not pertain to the appellant or which are required by federal or state statutes or by federal regulation to be held confidential shall not be released to the appellant or his personal representative. In cases where the appellant has been denied access to the services case file or food stamp case file, the hearing officer shall certify as part of the official record that the case files have been examined and that no portion of those files pertain to the appellant. Such certification may be subject to judicial review as provided in subsection (j) of this section."

Sec. 5. The last two sentences of G.S. 108-44(j) are deleted and the following language inserted in lieu thereof:

"The court shall, on request, examine the evidence excluded at the hearing under G.S. 108-44(e)(4) or G.S. 108-44(h)(1) and if the evidence was improperly excluded, the court shall consider it. Notwithstanding the foregoing provisions, the court may take testimony and examine into the facts of the case, including excluded evidence, to determine whether the appellant is entitled to public assistance under federal and state law, and under the rules and regulations of the Social Services Commission or the Department of Human Resources. Furthermore, the court shall set the matter for hearing within 15 days from the filing of the record under G.S. 150A-47 and

after reasonable written notice to the Department of Human Resources and the appellant."

Sec. 6. G.S. 108-44(c)(5) is amended by adding the following new language at the end:

"provided that the regulations shall provide for notice of the availability of legal assistance in the area if the applicant or recipient is unable to afford an attorney."

Sec. 7. G.S. 108-44(h)(3) is amended by adding the following language at the end: ", provided that the regulations shall provide for notice of the availability of legal assistance in the area if the appellant is unable to afford an attorney."

Sec. 8. This act shall become effective October 1, 1980, but shall not apply to cases in which the notice of appeal was given prior to the effective date.

MAY 1 1980

DRAFTING

A BILL TO BE ENTITLED AN ACT TO GIVE COUNTIES GREATER ADVANCE

NOTICE OF PROPOSED STATE ACTIONS ON SOCIAL SERVICES FUNDING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 108-54 is amended by adding the following new paragraph at the beginning of the section:

"Before February 15 of each year, the Secretary of Human Resources shall, as best can be determined, notify the director of social services of each county of the amount of state and federal monies available to that county for programs of public assistance, as well as the percentage of county participation expected to be required for the budget for the succeeding fiscal year. In odd-numbered years, in making such notification, the Secretary of Human Resources shall notify the counties of any changes in funding levels, formulas or programs relating to public assistance proposed by the Governor to the General Assembly in the proposed budget and budget report submitted under the Executive Budget Act. This paragraph shall not be construed to in any way restrict the right of the General Assembly to amend such budget."

Sec. 2. This act shall become effective July 1, 1980.



**LEGISLATIVE**

**MAY 1 1987**

**DRAFTING**

A HOUSE RESOLUTION AMENDING THE RULES OF THE 1979 HOUSE OF REPRESENTATIVES.

Be it resolved by the House of Representatives:

Section 1. Rule 32.1 of the Rules of the 1979 House of Representatives is amended by adding at the end of the rule the following sentence:

"All bills that affect State or county social service budgets must be introduced not later than March 15 of the session year."

Sec. 2. This resolution shall become effective upon adjournment sine die of the 1979 General Assembly.



MAY 1 1987

DRAFTING

## A SENATE RESOLUTION AMENDING THE PERMANENT RULES OF THE 1979

SENATE.

Be it resolved by the Senate:

Section 1. Rule 41 of the Permanent Rules of the 1979 Senate is amended by inserting immediately following the second sentence of the rule the following new sentence:

"All bills that affect State or county social service budgets must be introduced not later than March 15 of the session year."

Sec. 2. This resolution shall become effective upon adjournment sine die of the 1979 General Assembly.



MAY 1 1980

DRAFTING

A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS  
TO THE SOCIAL SERVICES STUDY COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Section 12 of Chapter 992, Session Laws of 1979 is amended by deleting the words "and for fiscal year 1980-81 the sum of six thousand dollars (\$6,000)", and inserting in lieu thereof the words: "and for fiscal year 1980-81 the sum of ten thousand dollars (\$10,000)".

Sec. 2. Section 12 of Chapter 992, Session Laws of 1979 is amended by adding the following new language at the end of the Section: "Provided, that any funds appropriated for 1979-80 but unused on June 30, 1980 may be used in fiscal year 1980-81, in addition to the appropriation made for that fiscal year."

Sec. 3. This act shall become effective July 1, 1980.



LEGISLATIVE

MAY 1 1980

DRAFTING

LB

S: Senator Walker  
Rep. Patricia Hunt

ST: DHR Eligibility Systems Funds

Public

## A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO UPGRADE THE ELIGIBILITY  
SYSTEM IN THE DIVISIONS OF MEDICAL ASSISTANCE AND  
SOCIAL SERVICES.

The General Assembly of North Carolina enacts:

Section 1. There is appropriated from the General Fund to the Department of Human Resources the sum of one hundred forty nine thousand nine hundred sixty three dollars (\$149,963) for fiscal year 1980-81. These funds shall be used by the department to establish a computerized eligibility system for programs of public assistance in the Divisions of Social Services and Medical Assistance.

Sec. 2. This act shall become effective July 1, 1980.

**DRAFT  
FOR REVIEW ONLY**



APPENDIX L

INITIAL 20 COUNTIES FOR COMPUTERIZED ELIGIBILITY SYSTEM

Buncombe	Johnston
Cleveland	Mecklenburg
Craven	Nash
Cumberland	New Hanover
Durham	Pitt
Edgecombe	Robeson
Forsyth	Rockingham
Gaston	Wake
Guilford	Wayne
Halifax	Wilson





